

State of California
Santa Ana Regional Water Quality Control Board

Draft Minutes of the December 6, 2019 Board Meeting
City of Huntington Beach, Council Chambers
2000 Main Street
Huntington Beach, CA 92648

Chair Ruh called the meeting to order at 9:04 a.m.

Information pertaining to the Regional Board Meeting is contained in a verbatim transcript.

1. Introductions

Board Members Present:

William Ruh, Chair
William P. von Blasingame
Tom Rivera
Lana Peterson
Kris A. Murray

Staff Present:

Hope A. Smythe, Executive Officer
Jayne Joy, Assistant Executive Officer
Teresita Sablan, Regional Board Counsel
Ann E. Sturdivant, Division Chief
Lauma Willis, Division Chief
Mark E. Smythe, Division Chief
Terri Reeder, Chief of Coastal Planning – Coastal Waters
Julio C Lara, Water Resources Control Engineer
Jason Freshwater, Environmental Scientist
Daniel Mefford, Information Technology Associate
Jeannie Aguilar, Associate Governmental Program Analyst
Daniel Ellis, Environmental Scientist with Division of Water Quality
Jonathan Bishop, State Water Board, Chief, Deputy Director
Jennifer Fordyce, State Water Board, Assistant Chief Counsel

Public Attendance:

Mark Norton, SAWPA, Adriana Maestas, Andrea Leon-Grossman, Conner Everts, Scott Maloni, Poseidon Water, Vincent Sarmiento, Orange County Water District, Cathy Green, Orange County Water District, Senator Barbara Boxer, Ray Heimstra, Orange County Coastkeeper, Sean Bothwell, California Coastkeeper Alliance, Steve Deborail, HydroFocus, Garry Brown, Orange County Coastkeeper, Paul Weghorst, Irvine Ranch Water District, Kelly Rowe, Orange County Water District, Steve Ray, Banning Ranch Conservancy, Milsa Vijayadharan, Orange County Coastkeeper, Norma Vandernolen, Katie Nichols, Orange County Coastkeeper, Clarence Mansell, West Valley Water District, Adriana Maestas, Shammy Dee, Mikel Hogan Residents for Responsible Desalination,

Oscar Rodriguez, Oak View Comunidad, Roy McCord, Tim Geddes, Nora Pedersen, Mark Richard Daniels, Mary Kyle, Richard Armendariz, Greg Carrow, Pat Riley, Erick Baker, Firoozeh Peiman, Tom Bilich, Damon Nagami, Cristina Robinson, Orange County Coastkeeper, Glen Howland, Bret Korte, Azul, Michael Damasco, Azul, Mark Dixon, Clay Epperson, Christina Brady, Bobbi Ashurst, John Earl, Surf City Voice, Many Sackett, Surfrider Foundation, Milt Dardis, Glenn Brooks, Dyana Pena, Orange County Coastkeeper, John O'Neil, Council member, City of Garden Grove, Ernesto Medrano, Los Angeles and Orange County Building and Construction Trades Council, Shirley Dettloff, Forer Mayer, City of Huntington Beach, Wendy Ridderbusch, CalDesal, Charles Falzon, Amigos de Bolsa Chica, Kim DiPasquale, Amigos de "Bolsa Chica, Herb Kleeman, Keith Bohr, Bolsa Chica Conservancy, Jill Cagle, OC WISE, Michael Grant, Huntington Beach Planning Council, Zeke Hernandez, Santa ana League of United Latin American citizens, Gloria Alvarado, Bill Workman, Nancy Buchoz, Leigh Ross, Victor Valladares, Oakview Comunidad, Sandra Fazio, Armida Brashears, Clayton King, Debbie Cook, Former Mayor, City of Huntington Beach, Carol Keane, James Fortuna, Denise Jordan, Rocket Rios, Ray Bennett, Daniel Garcia, Khristell Thompson, Lyndy Lewis, Ray Ward, Pat Forte, Dayna B. Howard, Ron Edwards Jr., Linda Moulton Patterson, Zoran Forgianini, Joe Weber, Wirar Green, Elizabeth Taylor, Charles Busslinger, Warren Teitz, John McKirachan, Elizabeth McKirachan, Ignacio Beneyto, Lou A. Hobbs, Lena Hayashi, Don Slaven, Pushpa Kabre, Bob Valem, Leonardo Parra, Nick Garcia, Godwin c. Alowe Jr., Brian Sandoval, Richard Blanco, Edgard Monarrez, Herbert Tso, Wesley T. Leomiti, Billy Suarez, Sam Sephall, Frank Adame, Sali Tarp, Hugo Casteanedo, Dan Jamieson, Patty Tutor, Bill Hickman, Dan Becker, William Yarchin, Vicotr Valladares, Dr. Kathleen Treseder, David Geddes, Don Albrecht, Mary Jo Baretica, Peter Pham, Carl Hughes, Jessie Jones, Carlos Bahora, Tony Gianquinto, Chris Morss, Joyce Endo, Bryan Viswoski, Jim Leach, Doug Mangione, Vic Leipzig, Debbie Wells, Debbie Workman, Diane Thompson, Jesse Segura, Robert Ruiz, Ashley Patterson, Ken Kalka, George LeTourneau, John Bowerbank, Paul Simonds, Steve Waite, Rich Toni, Ray Verches, Anthony Novella, Sharon Messick, Heather Banker, Kelly Clark, Rubert Barnett, Hildy Meyers

Item 2. Public Forum

John Earl of Huntington Beach spoke on the matter of protocol or procedures on speaking arrangements.

Chair Ruh states that for the record, Board Member Selmi will not be here today.

Item 3. State Water Resources Control Board (SWRCB) Liaison Report:

None.

Item 4. Regional Board Meeting Minutes of October 25, 2019

Chair Ruh asked for a motion of the Minutes.

Motion: It was moved by Board Member Rivera, seconded by Board Member Murray, and it was unanimously carried to approve the Minutes of the October 25, 2019 Board Meeting as presented.

Consideration of the Consent Calendar items are listed with an asterisk.

Chair Ruh asked for a motion.

Item *5. General Waste Discharge Requirements for Discharges to Surface Waters Resulting from De Minimis Discharges, Groundwater Dewatering Operations and/or Groundwater Cleanup/Remediation Operations at Sites Within the Newport Bay Watershed NPDES Number CAG918002 – Order R8-2019-0061

Item *6. Amendment of Western Riverside County Regional Wastewater Authority Permit – Order R8-2019-0066

Motion: It was moved by Board Member Murray, seconded by Board Member Peterson, and was unanimously carried to approve Orders R8-2019-0061 and R8-2019-0066 as presented,

Item 7. Human Right to Water – Resolution R8-2019-0078

This item was presented by Regional Board staff, Ann Sturdivant.

Ann talked about proposed Resolution R8-2019-0078 adopting the Human Right to Water as a core value of the Santa Ana Regional Water Board. By adopting the proposed resolution and work plan, staff will perform specific tasks, such as assessment of Regional Board programs and projects, and collaborate with other offices and agencies in addressing the need for safe and affordable drinking water. Ann presented the draft Resolution, a chronology of recent activities, and a work plan that describes the proposed tasks for Regional Water Board staff to carry out during 2020 and 2021 to advance the Human Right to Water. Ann presented a slide with a map of California Community Water Systems. Approximately 3000 community water systems are present in the state. Ninety percent of violations occur in water systems serving less than 500 connections not including emerging contaminants such as poly-fluoroalkyl substances. Ann said our challenge is to recognize where these inadequate systems for drinking water and distribution of wastewater are and what the Water Boards can do to promote the Human Right to Water. Ann explains what tools we use to identify disadvantage communities and the environmental justice areas and tribes that need clean water.

Speakers: Mark Norton, SAWPA, Adriana Maestas, Andrea Leon-Grossman, Deputy Director of Azul, Connor Everts, Environmental Justice Code for Water.

Board Members had questions about providing progress reports and questions on how we will be engaging with our local agencies and community groups and how we will coordinate with the State Board. Board Member, Tom Rivera, requested information regarding certain areas.

Motion: It was moved by Board Member von Blasingame, seconded by Board Member Rivera, and was unanimously carried to adopt Resolution R8-2019-0078

Item 8. Proposed Newport Bay Fecal Coliform Time Schedule Order - Proposed Time Schedule Order (TSO) R8-2019-0050 for the County of Orange, and the Cities of Tustin, Irvine, Laguna Hills, Costa Mesa, Santa Ana, Orange, Lake Forest, Laguna Woods, Newport Beach, and Orange County Flood Control District to comply with the Requirements Prescribed in Order R8-2009-0030 as amended by Order R8-2010-0062 (NPDES CAS618030)

This item was presented by Regional Board Staff, Jason Freshwater.

Jason explains the Time Schedule Order (TSO) being issued as a result of a failure of permittees to meet the compliance date for fecal coliform waste load allocations as required by the Municipal Storm Sewer Separate System (MS4) permit. The TSO names MS4 permittees that discharge into Newport Bay watershed as the responsible parties and will provide five years for the permittees to come into compliance with the fecal coliform waste load allocations. The presentation briefly covered the relevance of fecal coliform bacteria present in Newport Bay and the TMDL for the recreational and shellfish harvesting beneficial uses. Requirements of the MS4 permit were discussed during public stakeholder meetings that have occurred over the past two years. The requirements of this TSO will allow the permittees five years to comply with the TMDL and MS4 permit requirements. Newport Bay was listed as impaired for fecal coliforma and exceeded the recreational contact and shellfish harvesting beneficial use criteria in 1996, and a TMDL for fecal coliform was adopted in 1999. The compliance date in the current MS4 permit adopted in 2009 to meet the shellfish harvesting waste load allocations is December 2019. The Basin Plan was amended to extend the compliance date to December 2022; however, the permit compliance date in the permit remains in effect until the adoption of a new MS4 permit. Final recommendation from the stakeholder were to prepare a TSO to allow more time for implementation of control measures and BMPs and to allow for the revision of the TMDL objectives to enterococcus as an indicator of impairment instead of fecal coliform. The TSO will provide additional time for the TMDL to be prepared by staff.

Board Members had questions on why we would need five years comparable to three or four years. Executive Officer, Hope Smythe explains to Board Members this is a long process and we are dealing with bacteria that is ubiquitous and not easy to determine the sources and the criteria has changed from fecal coliform to enterococcus, so the recommendation is not less than four years. Staff including Lauma Willis and Terri Reeder provided more information to Board Members.

Speakers: Garry Brown, Founder and President of Orange County Coastkeeper, Sarah Spinuzzi, Staff Attorney for Orange County Coastkeeper, Chris Crompton, County of Orange, Ryan Barron, Counsel for the City of Lake Forest, Julia Wu, County of Orange, support the TSO for a five-year period.

Board Members asked staff questions and discussed the time frame on the TSO and agreed to four years.

Motion: It was moved by Board Member Peterson, seconded by Board Member von Blasingame, and it was unanimously carried to adopt the Time Schedule Order (TSO) R8-

2019-0050 with errata and amend schedule to four years

Executive Officer, Hope Smythe, clarified the tasks that are included in the TSO was based on a five-year schedule and so the TSO will be revised to reflect a four-year schedule.

Chair Ruh explained Item 9 will consume a tremendous amount of time, therefore, we will move our regular routine items ahead of Item 9 – Poseidon.

Item 10. Underground Storage Tanks Corrective Action Plans

Report on File

Item 11. Underground Storage Tanks Site Closure Report

Report on file

Item 12. Appointment of a Committee to Nominate Regional Board Officers for 2020

Chair Ruh would like to suggest Board Member Peterson and Board Member Murray. Board Member Peterson and Board Member Murray accepted.

Item 13. Board Meeting Dates and Locations for 2020

Board Member von Blasingame said that the Board has a large project to consider for 2020 and Executive Officer, Hope Smythe, should propose a separate date for that item. It should be the only item on the agenda and should be held in Huntington Beach. Board Members and Executive Officer, Hope Smythe, agreed to an additional Board Meeting on April 3, 2020. Board Members agree to adopt Board Meeting Dates for 2020 with the understanding that due to their workload, dates could change.

Motion: It was moved by Board Member Murray, seconded by Board Member Peterson, and was unanimously carried to adopt the Board Meeting Dates for 2020 with an additional Board Meeting

Item 14. Executive Officer's Report

Report submitted.

Item 15. Regional Board Member and Executive Officer Communications

Board Member Murray made note to thank Board Member von Blasingame and Executive Officer Hope Smythe for attending the WQCC meeting in Sacramento. She, also, thanked the Governor's staff and administration for coordinating and planning the meeting. She said the meeting was informative as her first year on the Board.

A 15-minute break was observed, and the meeting convened at 10:46 a.m.

Chair Ruh introduces the staff who will be speaking this morning on behalf of Item 9. Item 9 is a shared presentation by Regional Board staff and State Board staff. Chair Ruh said Tom Luster from California Coastal Commission and Wendy Hall and Lucina Calva from

State Lands Commission are also in attendance this morning and Water Boards had been working closely with these two agencies in the evaluation of the proposed design project.

Item 9. Workshop for the Permit Renewal for the Poseidon Resources' Proposed Huntington Beach Desalination Facility

This item was presented by Regional Board Staff, Hope Smythe, Jayne Joy, Ann Sturdivant, Julio Lara, and Terri Reeder, and State Board Staff, Daniel Ellis.

This was a public workshop and no action was taken by the Board. The public workshop was to solicit comments on the tentative NPDES permit and water code section 13142.5(b) determination. The staff provided an overview and details of the proposed Huntington Beach Desalination Facility project, the draft renewal of the NPDES permit, and the associated draft Water Code section 13142.5(b) determination. The public workshop received public attendance with an estimate of 146 people and fourteen applicant presentation speakers and fifty-seven public speakers presenting their comments to the Board Members.

A 30-minute break was observed, and the meeting convened at 1:08 p.m.

Applicant Presentation Speakers: Scott Maloni, Vince Sarmiento, Cathy Green, Jordan Brandman, Steve Sheldon, Kelly Rowe, Tri Ta, Mike Marcus, John Kennedy, Senator Barbara Boxer, Garry Brown, Ray Heimstra, Sean Bothwell, Steve Deborahail,

Public Agency Speakers: Paul Weghorst, Kelly Rowe

Public Speakers: Steve Ray, Milsa Vijayadharan, Katie Nichols, Clarence Mansell, Connor Everts, Adriana Maestas, Shammy Dee, Dr. Mikel Hogan, Oscar Rodriguez, Roy McCord, Tim Geddes, Nora Pedersen, Mark Richard Daniels, Mary Kyle, Susan Hughes, Richard Armendariz.

A 15-minute break was observed, and the meeting convened at 3:08 p.m.

Public speakers continue after 15-minute break.

Public Speakers: Greg Carrow, Pat Riley, Eric Baker, Firoozeh Peiman, Tom Bilich, Damon Nagami, Cristina Robinson, Glenn Howland, Andrea Leon Grossman, Michael Damasco, Mark Dixon, Clay Epperson, Christine Brady, Bobbi Ashurst, John Earl, Mandy Sackett, K.C. Fockler, Elizabeth Taylor, Milt Dardis, Glenn Brooks, Dyana Pena, John O'Neil, Ernesto Medrano, Shirley Dettloff, Wendy Ridderbusch, Charles Falzon, Kim DiPasquale, Herb Kleeman, Keith Bohr, Jill Cagle, Michael Grant, Zeke Hernandez, Gloria Alvarado, Bill Workman, Nancy Buchoz, Leigh Ross, Armida Brashears, Clayton King, Debbie Cook.

Board Member von Blasingame said that the public could submit written comments to the staff if they have anything that was not covered today. Board Members have questions and requests for more information from staff. Board Members agree to extend public comment period to January 21, 2020.

Item 16. Closed Session

There was no closed session.

Item 17. Adjournment – Chair Ruh adjourned the meeting at 4:44 p.m. to the special Board Meeting of January 16, 2020, at 5:00 p.m. in the City of Perris, 2270 Trumble Road, Perris, CA 92570.

Respectfully submitted:

HOPE A. SMYTHE

Executive Officer

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